

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROBERT L. MIHAILOVICH,)	
ID # 33446-177,)	
Petitioner,)	
vs.)	No. 3:06-CV-1603-N
)	ECF
DAVID BERKEBILE,)	
Warden of FCI Seagoville,¹)	
Respondent.)	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

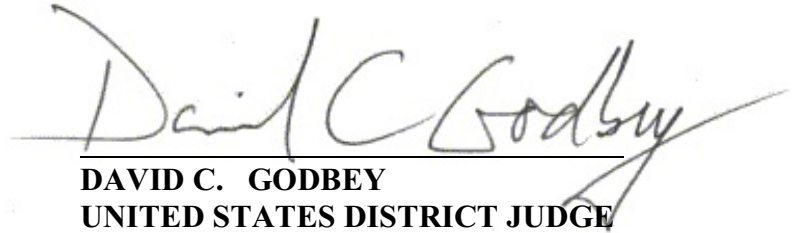
After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings and Recommendation of the Magistrate Judge, the Court **DENIES** respondent's motion to dismiss and **GRANTS** petitioner's federal petition for writ of habeas corpus to the extent petitioner seeks to invalidate 28 C.F.R. §§ 570.20 and 570.21. The Court hereby **SUBSTITUTES** David Berkebile, Warden of FCI Seagoville, as respondent for the Federal Bureau of Prisons. Unless the Bureau of Prisons considers in good faith whether petitioner should be transferred to a CCC considering the five factors set out in § 3621(b) without regard for §§ 570.20 and 570.21, and reports such results to the Court **21 (Twenty-One)** days from the date of this order, the Court will order respondent to release petitioner to an appropriate halfway house. By

¹ Consistent with this Order, the Court directs the Clerk of the Court to substituted David Berkebile, Warden of FCI Seagoville, as respondent for the Federal Bureau of Prisons.

separate document, the Court will enter judgment consistent with this Order and the Findings and Recommendation of the Magistrate Judge.

SIGNED March 28, 2007.



DAVID C. GODBEY
UNITED STATES DISTRICT JUDGE